

BRIAN SANDOVAL
Governor

STATE OF NEVADA



MEMBERS

Guy M. Wells, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Jan B. Leggett
Stephen P. Quinn

REPLY TO:

Southern Nevada
2310 Corporate Circle
Suite 200
Henderson, Nevada 89074
(702) 486-1100
Fax (702) 486-1190
Investigations (702) 486-1110

www.nscb.nv.gov

Northern Nevada
9670 Gateway Drive, Suite 100
Reno, Nevada 89521
(775) 688-1141
Fax (775) 688-1271
Investigations (775) 688-1150

STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

June 15, 2015

CALL TO ORDER:

Judge Philip M. Pro called the meeting of the State Contractors Board to order at 8:30 a.m., Monday, June 15, 2015, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

ADMINISTRATIVE LAW JUDGE:

Judge Philip M. Pro

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Noah Allison, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on April 18, 2015, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

ADMINISTRATIVE LAW JUDGE: Philip M. Pro

1. DISCIPLINARY HEARING:

RECREATION DEVELOPMENT CO., LLC, dba RECREATION DEVELOPMENT CO., LLC,
License Nos. 73558, 44802, 47622, 47623

UNIVERSAL CONTRACTING, LLC, License No. 79038

Licensee Recreation Development Co., LLC was not present but was represented by Cary Domina, Esq. at the hearing.

Scott M. Cantor, Esq. was present representing Jeffrey D. Moss and Universal Contracting, LLC.

The following Agency Exhibits were entered:

Exhibit 1 – The Board's original Complaint, ALJ Pro's orders dated February 19, 2015, March 12, 2015, May 20, 2015, and May 29, 2015, and the signed agreement entitled "TERMS".

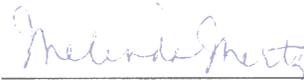
In the signed agreement entitled "TERMS" accepted by ALJ Pro, the non-dismissed RDC Respondents pled *nolo contendere* to three (3) violations of NRS 624.3016(1) any fraudulent or deceitful act committed in the capacity of a contractor; one (1) violation of NRS 624.3013(2)

misrepresentation of a material fact by a licensee in connection with any information furnished the Board in connection with official matters of the Board; one (1) violation of NRS 624.302(6) failure or refusal to comply with a written request from the Board for information or records; four (4) violations of NRS 624.3013(1) failure to keep records for a period of not less than 3 years after the completion of any construction project to which the records refer; two (2) violations of NRS 624.3013(3), as set forth in NAC 624.640(5) failure to include its contractor's license number and monetary limit on the contract; one (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued except in the name of the licensee as set forth upon the license; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3018(2) certain persons are prohibited from serving as officer, director, associate or partner of licensee. The Tenth, Fourteenth, Fifteenth and Sixteenth Cause of Action are dismissed. The non-dismissed RDC Respondents were assessed a fine of \$10,000.00 for the First Cause of Action; a fine of \$5,000.00 each for the Second, Third and Forth Causes of Action; a fine of \$1,000.00 for each of the Fifth, Sixth, Seventh, Eighth and Ninth Causes of Action; a fine of \$250.00 for each of the Eleventh and Twelfth Causes of Action; a fine of \$500.00 for each of the Thirteenth and Seventeenth Cause of Action for total fines of \$31,500.00 and investigative costs of \$115,000.00. Investigative costs of \$100,000.00 were paid June 15, 2015. Investigative costs of \$15,000.00 are to be paid by August 3, 2015. Fines are to be paid within 120 days of June 15, 2015. The Board dismissed all Causes of Action against Shelley Whittle, Harvey Roth, Jeffrey Moss and Universal Contracting, LLC. Jeffrey Whittle, Shelley Whittle and Albert Nelson, Jr. shall not apply for or otherwise be on a Nevada State contractors license for ten (10) years. License numbers 73558, 44802, 47622 and 47623, Recreation Development Co., LLC, dba Recreation Development Co., LLC are suspended. Respondent RDC shall immediately dismiss the state court action against the Board with prejudice. License numbers 73558, 44802, 47622 and 47623, Recreation Development Co., LLC, dba Recreation Development Co., LLC shall be revoked effective August 31, 2015. Failure on the part of the non-dismissed RDC Respondents to comply with the Settlement Agreement shall result in all *nolo contendere* pleas to be converted to guilty pleas and a prove-up hearing with the Board's witnesses and documents shall occur as soon as possible.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by ALJ Pro at 8:54 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Administrative Law Judge Philip M. Pro